

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

State of Ohio, ex rel. Dave Yost Attorney
General of Ohio,

Plaintiff,

v.

Ascent Health Services LLC, Express Scripts,
Inc., The Cigna Group, Evernorth Health, Inc.,
Prime Therapeutics LLC, Humana Pharmacy
Solutions, Inc., and Humana Inc.,

Defendants.

Case No. 2:23-cv-01450-MHW-CMV

**MEMORANDUM IN SUPPORT
OF DEFENDANTS' UNOPPOSED
MOTION REGARDING
DEFENDANTS' DEADLINE TO
ANSWER OR OTHERWISE
RESPOND TO PLAINTIFF'S
COMPLAINT**

Defendants Ascent Health Services LLC (“Ascent”), Express Scripts, Inc. (“Express Scripts”), The Cigna Group (“Cigna”), Evernorth Health, Inc. (“Evernorth”), Prime Therapeutics LLC (“Prime”), and Humana Pharmacy Solutions, Inc. and Humana Inc. (“Humana”) (collectively, “Defendants”) respectfully request that the Court enter an order memorializing that Defendants’ deadline to answer or otherwise respond to Plaintiff’s Complaint shall be May 24, 2023, the extended deadline Plaintiff previously agreed to for certain Defendants in state court before this action was removed to this Court. Plaintiff does not oppose this motion. The Court should grant this motion for the following reasons:

1. On March 27, 2023, the State of Ohio, acting through its Attorney General (“Ohio”), filed a Complaint against Defendants in the Court of Common Pleas for Delaware County (“State Court”), captioned *State of Ohio, ex rel. Dave Yost Attorney General of Ohio v. Ascent Health Services LLC, et al.*, Civil Action No. 23-CV-H-03-0179. ECF 1-3.

2. Ohio served the various Defendants with copies of the Summons and Complaint on either March 28, March 29, or March 30, 2023. ECF 1-4.

3. Ohio stipulated in State Court to 28-day extensions of Defendants' respective deadlines to respond to the Complaint. *See* ECF 1-6 at 1 (Ohio's stipulation with Prime), at 4 (Ohio's stipulation with Ascent, Express Scripts, Cigna, and Evernorth), at 7 (Ohio's stipulation with Humana).

4. Following those stipulated extensions, the response deadline was May 23 for Prime and Humana (*id.* at 1, 7) and May 24 for Ascent, Express Scripts, Cigna, and Evernorth (*id.* at 3).

5. On April 27, 2023, Defendants removed this action to this Court under 28 U.S.C §§ 1331, 1441, 1442 and 1446. ECF 1.

6. Following removal, Defendants' respective deadlines to respond to the Complaint remain the same as they were in State Court.

7. Defendants request that the Court memorialize those deadlines in an order so that the docket accurately reflects the parties' agreed-upon deadlines.

8. In addition, Prime and Humana request that the Court extend their deadline to respond to the Complaint by one additional day—from May 23 to May 24, 2023—so that all responses are due on the same day. Setting a single response deadline will help ensure a consistent briefing schedule and other deadlines going forward in this action.

9. Defendants' counsel consulted with Ohio's counsel, who stated that Ohio does not oppose this motion and consents to the May 24 deadline for Defendants to answer or otherwise respond to the Complaint.

Accordingly, Defendants respectfully request that the Court order that all Defendants have up to an including May 24, 2023 to answer or otherwise respond to the Complaint.

Dated: May 3, 2023

Respectfully submitted,

RULE GARZA HOWLEY LLP

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Counsel for Humana Pharmacy Solutions, Inc. and Humana Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the Plaintiff by operation of the Court's electronic filing system. Notice of this filing will be sent to all other parties not represented by counsel via regular U.S. Mail.

s/ Matthew L. Jalandoni
Matthew L. Jalandoni

Counsel for Defendant Prime Therapeutics LLC